

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

In re:

KATHLEEN L. LANDBERG,
Debtor,

TERRENCE J. DONAHUE,
Plaintiff,

v.

RONALD C. LANDBERG, SR.,
Defendant.

Case No. C06-5393RJB

ORDER GRANTING
MOTION FOR
EXTENSION OF TIME TO
FILE BRIEF AND
DENYING MOTION TO
DISMISS

This matter comes before the court on defendant's Motion for Extension of Time to Field Brief (Dkt. #21) and plaintiff's Motion to Dismiss (Dkt. 20).

On June 22, 2006, defendant Ronald C. Landberg, Sr., filed a Notice of Appeal of orders of the bankruptcy judge. Dkt. 1. The case was referred to the Bankruptcy Appellate Panel of the Ninth Circuit U.S. Court of Appeals. Plaintiff Terrence J. Donahue, Chapter 7 Trustee, elected to have the appeal in this matter heard by the district court, pursuant to 28 U.S.C. § 158(c)(1)(a)(B) and Bankruptcy Rule 8001(e).

On October 24, 2006, the court issued a minute order setting a briefing schedule. Dkt. 14. Pursuant to that minute order, Mr. Landberg was required to file a brief in support of the appeal by December 4, 2006. On December 4, 2006, Mr. Landberg filed a motion to extend the deadline for filing his brief until December 15, 2006, on the basis that harsh weather conditions had prevented him from completing his research. Dkt. 16. On December 8, 2006, the court granted Mr. Landberg's motion for extension of time

1 and required that he file the appellant's brief not later than December 15, 2006. Dkt. 17.

2 On December 15, 2006, Mr. Landberg filed another motion for extension of time to file his brief,
3 requesting that the court extend the time for filing the appellant's brief to December 20, 2006 on the basis
4 that harsh weather conditions were delaying the preparation of the brief. Dkt. 18. On December 19, 2006,
5 the court granted Mr. Landberg's motion for extension of time and required that he file the appellant's brief
6 not later than December 20, 2006. Dkt. 19. In its order, the court specifically noted that it "will grant no
7 further extensions to Mr. Landberg in this case. He has had ample time to file his brief in this matter, and
8 any further delay will not be tolerated by the court." *Id.* at 2.

9 On January 25, 2006, Mr. Landberg finally filed his brief along with another motion for extension of
10 time (Dkt. #21). Considering Mr. Landberg's *pro se* status, the court will accept the brief, grant Mr.
11 Landberg's motion and set a further briefing schedule. No further delay will be permitted by this court.

12 On January 22, 2006, the trustee filed a motion to dismiss on the grounds that Mr. Landberg had
13 failed to file his brief. Dkt. 20. That motion should be denied as moot since Mr. Landberg's brief has now
14 been filed and accepted by the court.

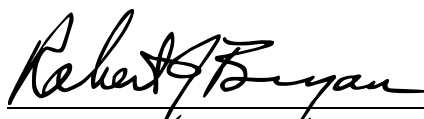
15 Therefore, it is hereby

16 **ORDERED** that Ronald C. Landberg, Sr.'s Motion For Extension of Time to File Brief to January
17 26, 2007 only (Dkt. #21) is **GRANTED**. Responsive briefs may be filed not later than February 13, 2007;
18 any reply brief must be filed later than February 16, 2007, or the court will not consider it. The matter is
19 noted for consideration on the court's February 17, 2007 calendar.

20 It is further **ORDERED** that trustee Terrence J. Donahue's motion to dismiss (Dkt. 20) is **DENIED**
21 **AS MOOT**.

22 The Clerk is directed to send uncertified copies of this Order to all counsel of record via the
23 CM/ECF system and to any party appearing *pro se* at said party's last known address via the U.S. Mail.

24 DATED this 26th day of January, 2007.

25
26 
27 Robert J Bryan
28 United States District Judge